

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

United States of America,)	C/A No. 3:06-529-CMC-BM
)	
Plaintiff,)	
)	
v.)	OPINION AND ORDER
)	
Thomas G. Wilson,)	
)	
Defendant.)	
)	

Plaintiff filed this action to foreclose a real estate mortgage. Defendant filed an answer in which he expressed an intent to make arrangements to satisfy the mortgage within one month. However, no arrangements were made and Plaintiff filed a motion for summary judgment. The court issued a *Roseboro* order advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond. Despite the warning that the motion for summary judgment may be granted if he failed to respond, Plaintiff did not file a response.

In accordance with this court's order of reference, 28 U.S.C. § 636(b)(1)(A) and (B), and Local Rule 73.02(B)(2)(e), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bristow Marchant.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that Plaintiff's motion for summary judgment be granted, and that a judgment of foreclosure be entered in favor of Plaintiff for foreclosure of the real property that is the subject of this action, together with a monetary judgment against Defendant in the amount of \$63,322.59 (as of July 11, 2006), with interest thereafter at the rate of \$9.21 per day, together with any costs and expenses associated with this legal action as provided for in the loan documents.¹

The Magistrate Judge advised Plaintiff of his right to file objections to the Report and the possible consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the complaint and answer, the motion, the complete record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Plaintiff's motion for summary judgment is **granted**, and that a decree of foreclosure be entered in favor of Plaintiff for foreclosure of the real property that is the subject of this action.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 24, 2006

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¹The Magistrate Judge advised Plaintiff to submit an affidavit to the court for an additional costs and fees owed. No affidavit was submitted.